

Motion DENIED.

This the 8th day of January, 2015.

/s/Louise W. Flanagan, U.S. District Judge

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
Western Division (Raleigh)
Case No. 5:14-cv-365-FL

FILED

DEC 12 2014

JULIE RICHARDS JOHNSTON, CLERK
US DISTRICT COURT, EDNC
BY DEP CLK

STEPHEN THOMAS YELVERTON
Plaintiff

v.

YELVERTON FARMS, LTD.

and

PHYLLIS EDMUNDSON
Co-Defendants

)
) MOTION FOR
) RECONSIDERATION
) PER FRCP RULE 54 (b)
) OF TEXT ORDER
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MOTION FOR RECONSIDERATION OF TEXT ORDER PER RULE FRCP 54 (b)
AND FOR DEFENDANTS TO ANSWER AFFIDAVIT OF WADE H. ATKINSON, JR.

COMES NOW, Plaintiff Stephen Thomas Yelverton, Pro Se, pursuant to FRCP, Rule 54 (b), and LCvR, Rule 7.1, and hereby requests the Text Order, entered November 25, 2014, be Vacated with respect to the dismissal of the Appeal of the Magistrate Order in regard to the disqualification of White & Allen, P.A., for a conflict of interest. In support, the Affidavit of Wade H. Atkinson, Jr., executed December 11, 2014, is submitted. There is a pending Motion for Leave to Amend the Complaint and to join Atkinson as a party.

The Text Order is based upon the “misreading of arguments”

1. The purpose of a Motion for Reconsideration per FRCP, Rule 54 (b), is for the District Court to correct its own “clear errors of apprehension.” The District Court retains the power to reconsider and modify its interlocutory Orders at “any time prior to a final judgment.” Yates v. Air & Liquid Systems Corp., 2014 U.S. Dist. LEXIS 141658 *35 (September 14, 2014, Judge Louise Flanagan).